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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re VICTOR B., a Person Coming Under
the Juvenile Court Law.

—

THE PEOPLE,

Plaintiff and Respondent,

v.

VICTOR B.,

Defendant and Appellant.

B177465

(Los Angeles County
Super. Ct. No. TJ13158)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Charles Q. Clay III, Judge. Modified and, as so modified, affirmed.

Nicole Williams, under appointment by the Court of Appeal, for Minor and
Appellant.

Bill Lockyer, Attorney General, Robert R. Anderson, Chief Assistant
Attorney General, Pamela C. Hamanaka, Assistant Attorney General, Theresa A.
Patterson and Peggie Bradford Tarwater, Deputy Attorneys General, for Plaintiff
and Respondent.

Victor B. (hereinafter “Victor”) appeals from the judgment of wardship (Welf. & Inst. Code, § 602) entered following the juvenile court’s determination that he committed second degree robbery in violation of Penal Code section 211. Victor was placed in the camp/community placement program for a period not exceeding six years, four months.

Victor contends: (1) the juvenile court’s minute order must be corrected to conform to its oral pronouncement of judgment; and (2) his precommitment credits were miscalculated. The People agree. We conclude Victor’s contentions have merit, and accordingly order the appropriate corrections and modification. In all other respects, we affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Victor was charged in a Welfare and Institutions Code section 602 petition with one count of robbery, after he and an accomplice took jewelry from a woman as she walked down a Los Angeles street.¹

The juvenile court sustained the petition. It declared the offense to be a felony and ordered Victor placed in the camp/community placement program, with a maximum period of confinement of six years four months, which included time for prior sustained juvenile petitions. It further ordered Victor to pay restitution of \$100.

DISCUSSION

1. *The minute order must be corrected to accurately reflect the juvenile court’s oral pronouncements.*

At the disposition hearing, the juvenile court orally imposed, inter alia, the following probation conditions: “Condition 15, Victor, you’re not to associate with Frederick Staves as well as anyone you know to be disapproved of by your

¹ Because the facts underlying the offense are not relevant to the issues on appeal, we do not recite them here.

parents or the probation officer. [¶] 16, you're not to have any dangerous or deadly weapon in your possession, and you're not to remain in the presence of anyone you know to be unlawfully armed." The minute order, while in most respects conforming to the court's oral pronouncements, omits the condition that Victor is to stay away from persons disapproved of by his parents or probation officer, and omits the knowledge element from both probation conditions 15 and 16.

As the People concede, correction of the minute order to conform to the juvenile court's oral pronouncement is appropriate. Clerical errors may be corrected by this court on appeal. (*People v. Mitchell* (2001) 26 Cal.4th 181, 185.) Where a minute order or abstract of judgment differs from the court's oral pronouncements, the minute order does not control. (*Ibid.*; *People v. Farell* (2002) 28 Cal.4th 381, 384, fn. 2; *People v. Price* (2004) 120 Cal.App.4th 224, 242 ["Any discrepancy between the minutes and the oral pronouncement of a sentence is presumed to be the result of clerical error."].) Accordingly, we order the minute order corrected.

2. *Victor is entitled to 27 days of predisposition custody credit.*

At the disposition hearing, the trial court awarded Victor 25 days of predisposition credit. Victor was detained on July 23, 2004. Disposition occurred on August 18, 2004. A juvenile is entitled to credit against his or her maximum period of confinement for time spent in custody before the dispositional hearing. (*In re Randy J.* (1994) 22 Cal.App.4th 1497, 1503; *In re Emilio C.* (2004) 116 Cal.App.4th 1058, 1067), which includes the date of arrest, the date of disposition, and all days in between. (*People v. Bravo* (1990) 219 Cal.App.3d 729, 735.) Thus, Victor is entitled to 27, not 25, days of predisposition credit. As the parties agree, the court's error in calculation may be corrected on appeal. (*In re Antwon R.* (2001) 87 Cal.App.4th 348, 350-353.)

DISPOSITION

Probation condition 15 is ordered modified to read, “Do not associate with Fredrick Staves and anyone known to you to be disapproved of by your parents or probation officer.” Probation condition 16 is modified to read, “Do not have any dangerous or deadly weapon in your possession, nor remain in the presence of any person known to you to be unlawfully armed.” The juvenile court’s order is further modified to reflect predisposition credit of 27 days. In all other respects, the judgment is affirmed.

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ALDRICH, J.

We concur:

KLEIN, P. J.

CROSKEY, J.